

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

IN RE:

ELIOT and DOROTHY MASON,

CASE NO. 95-25231-DSK
CHAPTER 13

DEBTORS.

MOTION TO RELEASE UNCLAIMED FUNDS

COMES NOW, The Locator Services Group Ltd. ("Movant") attorney in-fact for SunTrust Bank on behalf of National Bank of Commerce, a wholly owned subsidiary of SunTrust Bank ("SunTrust") by and through its local counsel, Jonathan E. Scharff, and respectfully moves this Court for an Order directing the Clerk to remit to Movant the sum of Four Thousand Seven Hundred Sixty Eighty Dollars and 29 Cents (\$4,768.29), which was deposited into the Treasury of the United States as unclaimed funds for SunTrust Bank on behalf of National Bank of Commerce, a wholly owned subsidiary of SunTrust Bank. For its Motion, Movant certifies, under penalty of perjury, that:

- (1) Movant and SunTrust have conducted a reasonable investigation.
- (2) The money on deposit with the Treasury of the United States is owed to the SunTrust.
- (3) The funds sought have not been paid to the Movant, SunTrust or to their agents on the Movant's or SunTrust's behalf.
- (4) Movant has made sufficient inquiry and has no knowledge that this claim has been previously paid, that any other application is currently pending before this Court or that any party other than Movant is entitled to submit an application for this claim.
- (5) The Movant has authority to collect the funds on behalf of SunTrust by virtue of a duly executed Limited Power of Attorney. A copy of the Limited Power of Attorney, Officer's Certificate of Authority and Movant's Institution History from the National Information Center are, collectively, attached hereto as Exhibit A and incorporated herein by the reference.

- (6) No other motion is pending for recovery of the same unclaimed funds.
- (7) Movant and SunTrust have complied fully with the requirements of 28 U.S.C. § 2042.

WHEREFORE, The Locator Services Group Ltd. ("Movant") attorney in-fact for SunTrust Bank on behalf of National Bank of Commerce, a wholly owned subsidiary of SunTrust Bank ("SunTrust") respectfully requests that the Court direct that the Clerk of the Court to remit to Movant the sum of Four Thousand Seven Hundred Sixty Eighty Dollars and 29 Cents (\$4,768.29); and for any other further and such relief as deemed appropriate by the Court.

Respectfully submitted,

HARRIS SHELTON HANOVER WALSH, PLLC

BY: /s/ Jonathan E. Scharff
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*Attorneys for The Locator Services Group Ltd.
attorney in-fact for SunTrust Bank on behalf of
National Bank of Commerce, a wholly owned
subsidiary of SunTrust Bank*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 20th day of May 2008, he cause copies of the foregoing to be served upon:

Darrell L. Castle
3100 Walnut Grove, Suite 610
Memphis, TN 38111
Attorney for Debtors

Sylvia Brown, Chapter 13 Trustee
200 Jefferson Ave. Suite 1113
Memphis, TN 38103

George W. Stevenson, Chapter 13 Trustee
5350 Poplar Avenue, Suite 500
Memphis, TN 38119

via First Class U.S. Mail, postage prepaid and properly addressed.

/s/ Jonathan E. Scharff

Jonathan E. Scharff